



COMMONWEALTH OF KENTUCKY
ETHICS COMMITTEE OF THE KENTUCKY JUDICIARY
STATE CAPITOL

700 CAPITAL AVENUE, SUITE 200
FRANKFORT, KENTUCKY 40601-3489

ROBERT W. DYCHE, III
COURT OF APPEALS

JAMES L. BOWLING
CIRCUIT COURT

B. M. WESTBERRY, CHAIRMAN
ATTORNEY

PETER C. MACDONALD
DISTRICT COURT

UHEL O. BARRICKMAN
ATTORNEY

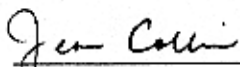
JUDICIAL ETHICS OPINION JE-100

February 28, 2002

Question: May a sitting judge hold a position as Board Member with a local Mediation Company?

Answer: No.

The Judicial Ethics Committee unanimously agrees that it violates the appearance of impropriety for a sitting judge to hold a position as Board member with a local Mediation Company. Regardless of whether the public will then perceive the judge to be acting as a mediator, litigants will likely believe that they will incur the judge's disfavor if they refuse to mediate their case. In addition, litigants may also believe that they will displease the judge if they choose an alternative mediation company whether the judge refers litigants to his company or not.

for 
B.M. Westberry
Chairman
The Ethics Committee of the
Kentucky Judiciary

This formal ethics opinion was reversed by the Kentucky Supreme Court in Shake v. The Ethics Committee of the Kentucky Judiciary, 122 S.W.3d 577 (Ky. 2003).